

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

JOE HAND PROMOTIONS, INC.,

Plaintiff,

- against -

CAVE DWELLERS LLC, et al.,

Defendants.

CASE NO.: 4:18-cv-01855-RBH

ORDER OF DEFAULT JUDGMENT

Upon consideration of Plaintiff's Request for Final Default Judgment, the accompanying Memorandum of Points and Authorities in Support thereof and evidence, the pleadings on file and the relevant authorities, the Court concludes that Plaintiff has established that it is an aggrieved party under the Federal Communications Act, 47 U.S.C. §§ 553 and 605, and Copyright Act, 17 U.S.C. § 101, and recognizes Plaintiff's election to seek statutory damages solely under 47 U.S.C. § 605. The Court also concludes that it has jurisdiction over the subject matter and parties to this action; that Defendants Cave Dwellers LLC and Joseph M. Stocco (hereinafter "Defendants") failed to answer or otherwise defend as provided by the Federal Rules of Civil Procedure following proper service; By virtue of their default, the allegations in Plaintiff's Original Complaint are deemed admitted against Defendants; that Defendants exhibited the closed circuit, *Floyd Mayweather, Jr. vs. Conor McGregor* Broadcast, including all undercard bouts and the entire television broadcast, scheduled for August 26, 2017, without authorization from Plaintiff; that the record reflects the rate for commercial public viewing was \$3,700.00 for seating of 0 -100, and that Plaintiff's investigator, Gordon Mooneyhan, observed

39 patrons at Defendants' premises with a capacity of 60 patrons and that Defendants' premises had multiple televisions displaying the fight, and charging \$20.00 per person cover charge; and that Defendants' actions were willful and for purposes of direct or indirect commercial advantage or private financial gain. Therefore, additional damages are warranted in this action. Exercising its discretion, and considering Plaintiff's filings, the Court awards statutory damages of \$5,000.00, additional damages of \$2,500.00 based on Defendants' willful violation, attorney's fees in the amount of \$1,500.00 and costs in the amount of \$510.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That Judgment by default be entered in favor of Plaintiff and against Defendants Cave Dwellers LLC and Joseph M. Stocco.

2. That Plaintiff recover statutory damages pursuant to 47 U.S.C. § 605(e)(3)(C)(i)(II) from Defendants in the amount of \$5,000.00.

3. That Plaintiff recover additional damages pursuant to 47 U.S.C. § 605(e)(3)(C)(ii) from Defendants in the amount of \$2,500.00.

4. That Plaintiff recovers attorneys' fees pursuant to 47 U.S.C. § 605(e)(3)(B)(iii) from Defendants in the amount of \$1,500.00 and costs in the amount of \$510.00 relating to the prosecution of this matter.

5. The Court therefore enters and awards a total judgment of \$9,510.00.

IT SO ORDERED.

August 24, 2018
Florence, South Carolina

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge